



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

S.C.R. NO. 154, REQUESTING THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO STUDY THE REPORTING, PROSECUTION, AND CONVICTION RATE OF HATE CRIMES IN THE STATE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, June 23, 2020

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lance Goto,
Deputy Attorney General, at 586-1160)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (the Department) submits comments and concerns on this resolution.

The purpose of this resolution is to request that the Department convene a task force to study the progression of hate crime investigations and prosecutions from the initial police report to the closing of the case, and to make recommendations on improvements to be made in the prosecution and comprehensive reporting of hate crimes.

This proposed task force may duplicate and potentially interfere with ongoing efforts. The Department and local law enforcement agencies are currently engaged in efforts that would greatly enhance our state hate crime reporting. Instead of creating the proposed task force, the Department respectfully recommends that you give us the opportunity to continue our current efforts.

Hate crime reporting is a requirement for the National Incident-Based Reporting System (NIBRS) version of the nationwide Uniform Crime Reporting (UCR) Program, and the Department, through its State UCR program, is currently directing the statewide NIBRS transition. The Department is in the final year of a four-year federally funded

project to transition to NIBRS. Development of the State UCR program's sophisticated NIBRS data repository has very recently progressed to the point that the Department is now able to populate the repository with live data. That milestone was reached in March, when the Honolulu Police Department (HPD) submitted to the repository its crime data for January 2020. Moving forward from that point, police-level hate crime data will be phased into the state's hate crime statistics reporting program. The Department will then be able to receive hate crime data from both the police and prosecutors. The intent is to incorporate and link both data sources (police and prosecutors) in the hate crime statistics reporting program. The prosecutor-level hate crime reporting allows the Department to conduct statistical inquiries into case processing and outcomes.

Via NIBRS, HPD initially reported 48 hate crime cases and our department verified 44 cases for 2018, and HPD reported 46 cases for 2019. (A visit to HPD headquarters to manually review and verify the 2019 data was postponed due to pandemic-related disruption and limitations, and plans to compare HPD's data with the records of the Honolulu Prosecutor are temporarily on hold for similar reasons.) The Hawaii, Maui, and Kauai police departments are expected to attain NIBRS certification in 2021 (or perhaps later this year in some cases). As such, all four police departments will soon be reporting hate crime data, and this data will be included in the hate crime statistics reporting program.

One of the next phases in the development of the data repository focuses on the creation of public-facing, web-based digital dashboards and query capabilities for Hawaii's NIBRS data. In addition to basic crime statistics, we have selected hate crimes and domestic violence as special topic areas to highlight among the public resources.

The Department appreciates this opportunity to share its comments and concerns.



June 21, 2020

House's Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

Hearing: Tuesday, June 23, 2020 – 10:00 a.m.

RE: SUPPORT for Senate Concurrent Resolution 154

Aloha Chair Rhoads, Vice Chair Keohokalole and fellow committee members,

I am writing in STRONG SUPPORT of SCR 154 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization. SCR 154 REQUESTS THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO STUDY THE REPORTING, PROSECUTION, AND CONVICTION RATE OF HATE CRIMES IN THE STATE.

In 2001 Hawaii passed our landmark Hate Crimes Legislation and it was signed into law by then Lt. Governor Mazie Hirono. Since that time we have not had a full implementation of the statute. Over the years there were hate crimes committed in the state of Hawaii that were never reflected in the numbers reported the FBI for their crime statistics annual report.

Here are just a couple that I have direct personal knowledge:

- Woman was punched in the face while leaving a Waikiki bar because she was a lesbian.
- Public non-profit LGBTQIA+ display at Honolulu City Lights vandalized in two different years with homophobic slurs written on the boxes. In 2013 a burnt pride flag was left at the scene. [2012 incident](#)

The reason we were told that these and other hate crimes were not reported is that they never caught the perpetrators.

Reporting is a huge component with having a Hate Crimes law. The numbers that the FBI reports from Hawaii's crime reports give a false sense of security to Hawaii's LGBTQIA+ community as well as the other protected classes and the visitors that fall in those protected classes that travel here.

For Hawaii to address the problem of biased crimes we first need to have a better and fuller look at the problem. The LGBT Caucus believes that this Task Force will help provide this.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.
Chair
LGBT Caucus of the Democratic Party of Hawai'i

SCR-154

Submitted on: 6/21/2020 6:39:11 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	No

Comments:

Pride at Work - Hawaii fully supports SCR 154.

LATE

SCR-154

Submitted on: 6/22/2020 10:56:44 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rainbow	Testifying for Rainbow Family 808	Support	No

Comments:

Aloha Senators,

Rainbow Family 808 Strongly Supports SCR154 to create a Task Force to study the reporting, prosecution, conviction rate of Hate Crimes in the state. As a non-profit for the support, advocacy, and protection of our families on Oahu, we address the harm and criminal attacks on our children and families.

In the mid 1990's, I, Carolyn Martinez Golojuch, a Grad Student in Social Work at that time was able to participate in the Community Panels on creating a Hate Crime Act for Hawaii. I sat in the meetings with Steve Ulm, United States Attorney for Hawai`i, the various Chief of Police from all Hawai`i Counties and other interested community member. Ulm had the insight and vision to hold these meetings along with FBI agents to discuss the need for the Hate Crimes in Hawai`i.

In the 1990s, the FBI did not have a permanent presence in Hawai`i like they do now. The FBI offered to train the Police Departments at their costs. It was wonderful to be part of these meetings. Years later the Hate Crime legislation became Law!

It is time that Hawai`i take our Hate Crimes Law into enforcement. In the 2019 FBI report, dated November 12, 2019 that "While the number of reported hate-crimes dipped slightly in 2018, violence against persons rose to a 16-year high..."

We've seen this recently for ourselves as we saw brutal deaths on TV of our Black brothers and heard about a massacre of a Black sister in her sleep. Fortunately, Hawai`i has been saved from these deaths in our state but many times, personal crimes are not reported here. We have to educate the public, ensure citizens that these personal crimes will be addressed in a just and expedient manner. Living in the land of Aloha is not just a tourist slogan and an improved Hate Crimes Protocol is greatly needed. There needs to be a Police Department Division that reviews assaults comparing the personal crimes against the FBI criteria.

Please pass SCR 154 for the safe enforcement of our Hate Crimes Act.

Carolyn Martinez Golojuch, MSW

SCR-154

Submitted on: 6/20/2020 1:58:46 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Robinson-Onderko	Individual	Support	No

Comments:

SCR-154

Submitted on: 6/20/2020 3:49:17 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I strongly support SCR154. It is time that a study concerning hate crimes be done in this State. Please pass SCR154.

Thank you,

Mike Golojuch, Sr.

Rainbow Family 808

SCR-154

Submitted on: 6/21/2020 1:57:43 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Phillippe Rivera Fernandez-Brennan	Individual	Support	No

Comments:

TESTIMONY BEFORE THE COMMITTEE ON JUDICIARY

RE: SCR 154, RELATING TO THE REQUEST FOR THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO STUDY THE REPORTING, PROSECUTION, AND CONVICTION RATE OF HATE CRIMES IN THE STATE

TUESDAY, JUNE 23, 2020

10 A.M.

Chair Karl Rhodes, Vice Chair Jarrett Keohokalole, and committee members:

My name is Phillippe Rivera Fernandez-Brennan. I am a teacher at HĀ• lau KĀ« MĀ• na New Century Public Charter School in Honolulu on O'ahu and a PhD student in Education, Curriculum and Instruction at the University of Hawai'i at MĀ• noa. I am submitting testimony in support of SCR 154.

Mahalo,

Phillippe Rivera Fernandez-Brennan

1427 Alexander St Apt. 304

Honolulu, Hawai'i 96822

SCR-154

Submitted on: 6/22/2020 9:55:57 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shirley David	Individual	Support	No

Comments:

LATE

SCR-154

Submitted on: 6/22/2020 11:18:08 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Salisbury	Individual	Support	No

Comments:

I am very hopeful that this resolution can be adopted and carried out. I hope that the reports of the task force can be used to make positive changes.

A lot of people say that Hawaii cannot be a place for hate crimes for two reasons:

1. We are the Aloha State.
2. We have the lowest percentage of Haole people of any state in the US, and because the Haole people do not have the numerical majority or the social, political, or economic power in our state, we must not have hate crimes.

In response, I offer:

1. Yes, we are the Aloha State, but we still have hate crimes. I do my best to show aloha every day, but there are still so many hate crimes. We need to acknowledge it and deal with it. We cannot worry that we must keep it secret to protect the tourism industry.
2. It's not like only Haole people have the capacity to commit hate crimes. Hate crimes are committed by people of many colors. In the national media, all we see is Haole people committing hate crimes, but hate crimes can be based on hate that has nothing to do with race, and it is also perfectly possible, for example, for a Japanese American to commit a hate crime against a Native Hawaiian. Hawaiian Lives Matter.

Mahalo for bringing this resolution to a hearing, and for reading my mana`o.

Justin Mark Hideaki Salisbury

LATE

SCR-154

Submitted on: 6/22/2020 1:26:17 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen McKee	Individual	Support	No

Comments:

I strongly support SCR 154.

Mahalo for your work.

Eileen McKee

SCR-154

Submitted on: 3/16/2020 1:29:46 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please amend SCR154 to include protection for atheists from hate crimes. Secular folks are noticeably excluded from this bill.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihej, Maui

SCR-154

Submitted on: 3/13/2020 1:42:41 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth R. Conklin, Ph.D.	Individual	Support	No

Comments: